

REMARKS

Claims 1-11 remain in the application. Applicant respectfully requests allowance of each of pending claims 1-11.

The Rejections under 35 U.S.C. §103

Claims 1, 6, 9 were rejected under 35 U.S.C. §103(a) as being unpatentable over Aschwarden (U.S. 5,896,306) in view of Peterzell (U.S. 2002/0123,319 A1). Applicant respectfully traverses the Examiner's position for the following reasons.

In determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the difference themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. See MPEP 2141.02. Discovering the source or the cause of a problem is part of "as a whole" inquiry. Id. Moreover, the Examiner bears the initial burden to establish a prima facie case of obviousness. See M.P.E.P. § 2142-43. The references must suggest or motivate modification of the reference or combination of the reference teachings.

In the present situation, two different objectives are found in these two cited prior art, i.e., Aschwarden being directed to phase compensation, while Peterzell being directed to reducing jammers. Neither Aschwarden nor Peterzell suggests the combination of these two.

As conceded by the Examiner, Aschwanden fails to teach the use of a 5<sup>th</sup> order elliptical filter. It is understood that a 5<sup>th</sup> order elliptical filter is not a new design to one skilled in the art. However, its use in the present invention along with the phase equalizer is not previously taught by the prior art. In fact, by having such a two filter

configuration (the analog filter and the elliptical filter), the phase equalizer is able to compensate more accurately all the phase distortions caused by these filters.

As such, for the reasons above, the outstanding rejections against independent claims 1, 6 and 9 are overcome. Claims 2-5, 7-8, and 10-11 depend from and further limit independent claims 1, 6 and 9 respectively in a patentable sense, and are therefore also deemed to be in condition for allowance.

CONCLUSION

Applicant has made an earnest attempt to place this application in an allowable form. In view of the foregoing remarks, it is respectfully submitted that the pending claims are drawn to novel subject matter, patentably distinguishable over the prior art of record. The Examiner is therefore, respectfully requested to reconsider and withdraw the outstanding rejections.

Should the Examiner deem that any further clarification is desirable, the Examiner is invited to telephone the undersigned at the below listed telephone number.

Respectfully submitted,

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